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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-107

13 **ANGELA JOSEPHINE VIGUERAS-DELGADO**
14 **1108 Corte Riviera**
Camarillo, CA 93010

A C C U S A T I O N

15 **Registered Nurse License No. 519866**

16 Respondent.

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18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **License History**

23 2. On or about February 28, 1996, the Board issued Registered Nursing License Number
24 519866 to Angela Josephine Viguera-Delgado ("Respondent"). The license was in full force and
25 effect at all times relevant to the charges brought herein, and will expire on August 31, 2011,
26 unless renewed.

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JURISDICTION

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code Section 2750) of the Nursing Practice Act.

4. Code Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Code Section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

6. Code Section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Code Section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

1 (c) Be convicted of a criminal offense involving the
2 prescription, consumption, or self administration of any of the substances
3 described in subdivisions (a) and (b) of this section, or the possession of,
4 or falsification of a record pertaining to, the substances described in
5 subdivision (a) of this section, in which event the record of the conviction
6 is conclusive evidence thereof.

7 COST RECOVERY

8 8. Code Section 125.3 provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 FIRST CAUSE FOR DISCIPLINE

13 (Criminal Conviction)

14 9. Respondent is subject to disciplinary action under Code Section 2761, subdivision (f),
15 in that on or about February 13, 2009, in the Superior Court of California, County of
16 Los Angeles, in the case entitled, *People of the State of California v. Angela Josephine Delgado*
17 (Super Ct. Los Angeles County, 2009, Case No. 9WA10046), Respondent was convicted on her
18 plea of nolo contendere of violating Vehicle Code Section 23152, subdivision (b) (Driving While
19 Having .08% Blood Alcohol Content, and More), a misdemeanor. The circumstances of the
20 crime are that on or about November 12, 2008, Respondent did willfully and unlawfully, while
21 having .08% and more, by weight, of alcohol in her blood, drive a vehicle, and caused a traffic
22 collision by driving under the influence of alcohol, traveling at an unsafe speed and being
23 inattentive, in violation of Vehicle Code Sections 23153(a) and 22350. Respondent stated that
24 she was talking to her 10-year-old son, who was riding in the front passenger seat of her vehicle,
25 that she looked away from the roadway, broadsided a parked vehicle, and then rear-ended another
26 parked vehicle in front of her. Respondent was sentenced to serve two days in the Los Angeles
27 County Jail, was placed on summary probation for 36 months, was ordered to pay fines, including
28 but not limited to a fine of \$510, and was to participate in and successfully complete a nine-
month first-offender alcohol and other drug education and a counseling program.

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